

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Cancelled)
2. (Currently Amended) The paint container of claim + 43, further including a channel opening adjacent the channel through which the paint flows back into the container.
3. (Original) The paint container of claim 2, wherein the spout is sized to permit entry of at least a two inch brush into the container.
4. (Cancelled)
5. (Cancelled)
6. (Cancelled)
7. (Currently Amended) The paint container of claim + 43, further comprising a second handle formed into one or more of the plurality of side walls.
8. (Cancelled)
9. (Cancelled)
10. (Previously Presented) The paint container of claim 43, wherein the splash guard extends upward from the top of the body independent of the spout, the splash guard being external to the cap when the cap is secured to the neck portion, and the spout being covered by the cap when the cap is secured to the neck portion.
11. (Currently Amended) The paint container of claim + 43, wherein the body is constructed of plastic.
12. (Cancelled)
13. (Currently Amended) The paint container of claim + 43, wherein the cap is sized to function as a paint holder.

14. (Cancelled)

15. (Currently Amended) The paint container of claim 14, wherein the handle is attached to the top.

16. (Currently Amended) A paint container, comprising:

a body having a bottom, a plurality of side walls, and a top;

a threaded raised portion extending from the top;

a spout proximate the top and located within the raised portion, the spout defining a pouring direction;

a first handle located proximate the side walls; and

a second handle pivotally secured proximate the top and attached to the body along a line perpendicular to the pouring direction, the second handle being attached directly to a portion of the body at pivots spaced from and independent of the raised portion;

wherein the second handle is moveable about the pivots between a first position in which a center portion of the second handle is positioned generally proximate the top of the body and a second position in which the center portion of the second handle is spaced apart from the top of the body; and

wherein the spout, the first handle, and the center portion of the second handle lie within a common vertical plane and wherein the center portion of the second handle remains within the plane when it is pivoted between the first position and the second position.

17. (Currently Amended) The paint container of claim 16, wherein when the second handle is moveable from a in the first position, in which a portion of the second handle is located in a depression in the top located between an outer periphery of the body and the raised portion.

18. (Original) The paint container of claim 17, wherein the first handle is located in a corner of the body.

19. (Original) The paint container of claim 18, wherein the spout is located adjacent a corner of the body opposite the first handle.

20. (Cancelled)

21. (Currently Amended) The paint container of claim 20 22, further comprising an open channel formed through the top permitting spilled paint to flow into the paint container.

22. (Currently Amended) The paint container of claim 20, further comprising A paint container, comprising:

a body having a bottom, a plurality of side walls forming a circumference that is noncircular, and a top, the top including a flat region;

a spout extending from the flat region and substantially surrounded by a raised neck portion;

a splash guard disposed proximate the spout and not extending beyond an outer periphery of the body body;

an integral handle formed within the body; and

a second pivotal handle having a center portion removably received within a depression on the top proximate the integral handle and located between an outer periphery of the body and the raised neck portion and being spaced from and nonadjacent to both the outer periphery of the body and the raised neck portion.

23. (Currently Amended) The paint container of claim 20 22, wherein the body is constructed of plastic.

24. (Cancelled)

25. (Currently Amended) The paint container of claim 20 22, wherein the integral handle is formed into one or more of the plurality of side walls.

26. (Currently Amended) The paint container of claim 20 22, wherein the second pivotal handle is attached to the top.

27-35. (Cancelled)

36. (Currently Amended) The paint container of Claim 1 43, wherein the cap includes a periphery having a plurality of finger grip recesses located therein.

37. (Previously Presented) The paint container of Claim 7, wherein the cap includes a periphery having a plurality of finger grip recesses located therein.

38. (Currently Amended) The paint container of claim 20 22, wherein the integral handle is formed within the side walls of the body.

39. (Currently Amended) The paint container of claim 1 43, further comprising a paint within an interior of the body.

40. (Cancelled)

41. (Previously Presented) The paint container of claim 16, further comprising a paint within an interior of the body.

42. (Currently Amended) The paint container of claim 20 22, further comprising a paint within an interior of the body.

43. (Currently Amended) ~~The paint container of claim 1, further comprising A paint container, comprising:~~

a body having a bottom, a plurality of side walls, and a top;

a threaded raised neck portion located proximate the top, the neck portion being offset from a center of the top of the body and defining an opening;

a cap configured to be secured to the neck portion;

a spout extending upward proximate the top and at least partially surrounded by the neck portion, the spout permitting paint to be poured from the paint container;

a splash guard disposed proximate the spout and not extending beyond the outer periphery of the body body;

a handle being pivotally attached to the body at two pivot points defining a pivot line extending through the center of the top of the body; the handle not extending beyond an outer periphery of the body; and

a channel located between the neck portion and the spout, wherein paint  
spilled into the channel is directed into an interior of the body.